

Amendment No. 1 to HB3394

Watson
Signature of Sponsor

AMEND Senate Bill No. 3222

House Bill No. 3394*

By adding the following language immediately preceding the enacting clause:

WHEREAS, the general assembly recognizes that veterans and servicemembers have provided or are currently providing an invaluable service to our country. In so doing, some may suffer the effects of post traumatic stress disorder, traumatic brain injury, and depression, and may also suffer drug and alcohol dependency, addiction, or co-occurring mental illness and substance abuse problems; and

WHEREAS, some veterans or servicemembers come into contact with the criminal justice system and are charged with and convicted of felony and misdemeanor offenses; and

WHEREAS, there is a critical need for the criminal justice system to recognize these veterans, provide accountability for their wrongdoing, provide for the safety of the public, and provide for the treatment of veterans; and

WHEREAS, the feasibility of establishing specialized veteran courts with the flexibility necessary to meet the specialized problems faced by veteran and servicemember defendants should be studied in the interest of serving the needs of our veterans and servicemembers; now, therefore,

AND FURTHER amend by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Administrative Office of the Courts (AOC) is directed to study the feasibility of establishing specialized veterans courts in Tennessee.

SECTION 2. In conducting such study, the AOC shall consider ways and means to achieve the following goals and objectives:

Amendment No. 1 to HB3394

Watson
Signature of Sponsor

AMEND Senate Bill No. 3222

House Bill No. 3394*

(1) Increased cooperation between courts and criminal justice, veterans, mental health and substance abuse systems;

(2) Increased placement of many offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from United States military service, in community treatment;

(3) Improving access to necessary services and support;

(4) Reduced recidivism; and

(5) Reduced involvement of veterans in the criminal justice system and incarceration by making mental health service for veterans available in the least restrictive environment possible while promoting public safety.

SECTION 3. The AOC shall also consider the following issues in conducting such study:

(1) The method by which the target population of defendants will be identified and referred to veterans court dockets;

(2) The method for assessing defendants who are veterans for serious mental illness and co-occurring disorders;

(3) The criteria that make an defendant eligible to participate in a veterans court;

(4) The elements of treatment and supervision programs;

(5) Standards for continuing participation in, and successful completion of, a veterans court program;

(6) The need for training from county departments and persons in the community with specialized knowledge about veterans' treatment and service needs;

(7) The need to provide initial and ongoing training on the nature of serious mental illness and on the treatment and supportive services available in the community;

(8) The process to ensure defendants will receive an appropriate level of treatment services with an emphasis on maximizing federally funded services, as well as county and other local mental health and substance abuse treatment services;

(9) The process for developing or modifying a treatment plan for each defendant, based on a formal assessment of the defendant's mental health, United States military service history, and substance abuse treatment needs;

(10) The process for referring cases to the veterans court; and

(11) A defendant's voluntary entry into the veterans court, the right of a defendant to withdraw from the veterans court, and the process for explaining these rights to the defendant.

SECTION 4. The Department of Veterans Affairs and all other appropriate state agencies shall provide assistance to the AOC upon request. All federal and local organizations and all interested volunteer organizations are requested to assist the AOC when called upon.

SECTION 5. The AOC shall submit an interim report relative to such study no later than September 1, 2012, and shall submit its final report, including any findings, recommendations and proposed legislation, to the judiciary committees of the senate and the house of representatives no later than December 1, 2012.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.